THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.6107 of 2006

DATED:28-03-2006

Between:

Azeez Bee and others .. Petitioners

And

The Government of Andhra Pradesh, represented by its Secretary, Revenue Department, Secretariat, Hyderabad. and others.

..Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.6107 OF 2006

ORDER:

The petitioners, who are nine in number, filed the instant writ petition feeling aggrieved by the order, dated 21-06-2001, in case No.F3/6/Inam/1999, passed by the second respondent herein.

It is the case of the petitioners that the land comprised in survey Nos.126 to 266 and 282 of Sabhashpalli Village in Shivampet Mandal, Medak District, is Inam land, in which two muntagabdars, Rahman Bee and Sha Bee, had 50% share each. They allege that after the death of Sha Bee, a succession certificate was granted to the petitioners in 1358 fasli, and therefore, they are entitled to Acs.276.16 guntas. They also allegedly filed a declaration to that effect under the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 ('the Act', for brevity), and the names of the petitioners were entered in the setwar as well as kasra pahani as inamdars. They filed an application in case No.1484 of 1996 before the third respondent under the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 ('the Inams Act', for brevity), claiming Occupancy Rights Certificate (ORC) in their favour. After conducting an enquiry, by order, dated 18-12-1998, the third respondent rejected the claim on the ground that the petitioners were not occupants as on 01-11-1973 i.e. the date on which the Act came into force. Assailing the same, the petitioners herein filed an appeal under Section 24 of the Inams Act before the second respondent. By an order, dated 21-06-2001, the second respondent dismissed the appeal on the ground that the petitioners failed to place any material or evidence to show their possession prior to the date of vesting either before the

third respondent or before the appellate authority. Against the said order, the present writ petition is filed on 22-03-2006.

Learned counsel for the petitioners submits that the petitioners filed a review petition before the second respondent in File No.F3/4334/2001, but the same was not enquired into by the second respondent, which is illegal. He also submits that the petitioners have obtained copies of revenue records showing that they were in occupation and possession of the land prior to the date of vesting and if the orders are not reviewed by the second respondent, they would suffer injury.

After considering various grounds urged in the appeal, the second respondent passed orders on 21-06-2001, confirming the orders of the third respondent. Curiously, the writ petition is filed after a lapse of five years. Not even a whisper is made in the affidavit accompanying the writ petition for such huge delay in filing the writ petition. Secondly, the submission that the second respondent committed illegality in not entertaining the review application filed by the petitioners is misconceived. It is well settled that unless and until the power of review is conferred specifically on a statutory or an adjudicating authority, the power of review cannot be exercised. The Inams Act does not confer any power on the appellate authority i.e. the second respondent herein, to review his own orders. Therefore, the second respondent cannot be said to have committed an illegality in not considering the review application allegedly filed by the petitioners.

The writ petition is misconceived and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

28-03-2006

GJ